

## Communications.

FOR THE MADISONIAN.

### BANKING AND THE CURRENCY

No. VII.

#### Constitutionality of a National Bank.

On this point, in a former number, we considered the authority of opinion, and found, that with the exception of the shock occasioned by the extraordinary stand of President Jackson, the opinion of the country has been principally on one side, and that in favor of a National Bank. Here are ranked our highest judicial authorities, for the most part in our history a strong majority of Congress, a general concurrence of the high functionaries of Government, and a growing unanimity of the whole people. We have suggested, what we think to be true, that the state of the public mind on this subject for the last few years has been occasioned by a violence done to opinion. We will now add, that opinion being left free, it is likely to recover its legitimate sway, and to be stronger than ever in favor both of the constitutionality and expediency of a National Bank.

#### The doctrine of the Constitution.

"Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." This is made an exclusive power of congressional legislation. It is also provided, that no State shall be allowed to "make any thing but gold and silver coin a tender in payment of debts."

#### The design of this comprehensive rule.

Manifestly, it was to endow the Federal authorities with control over the currency of the country. We know, that, in the practical operations of the commercial world, such is its effect; and it does not become us to say, that the framers of the Constitution did not perceive it. The prohibition of the States from attempting to alter or violate the constitutional tender of gold and silver coin, leaves the entire control over the currency in the hands of the Federal authorities, as will appear from a review of Nos. I and II of these papers, on international and national currency. This was suitable and necessary. As international currency controls national currency, and is supreme in its influence over the sovereignty of nations, it was meet that our Federal authorities should have the sole power of treaty with this all potent agency, and be able to keep things in such a state as to satisfy its demands.

It was necessary for the Constitution to prohibit Congress from establishing any other tender, inasmuch as the control of international currency will regulate that. It would be impossible for Congress to do it. An attempt of this kind would be like whistling against a tempest. [See papers Nos. I and II.]

#### The relation of the constitutional tender to the common currency.

It is precisely the same as the specie deposits of a bank to its paper circulation—on demand. It is not the currency, and never has been. [See paper No. III.] It is the grand and indispensable connecting link between international and our national currency. The domestic monetary system of this country, as a political fabric, and for the practical operations of commerce, could not be maintained a day without it. And so long as this tender is preserved in its constitutional position, and in its connection and good fellowship with international currency, it is no matter what the common national currency is, whether it be paper, or leaves of trees, or tallies cut with a jack knife on a rough splinter, provided they could be secured against counterfeiting and fraudulent alterations. The more worthless the common currency is in its intrinsic value, in all of it that is above the minimum bank note issue, so much the better, it being understood, that, by the action and care of the proper authorities, it be always convertible into specie on demand. The reasons are obvious to the considerate and observing, why the common currency of a great commercial country like ours, cannot be purely metallic. The greatest amount of the circulating medium always has been, and is likely to continue, something else.

#### The Federal control over the currency involves a principle of a wider scope.

It might perhaps be said, with truth, that the State authorities are far from having any other title to authorize banking, except possession and use. This title has never been disputed, and therefore is granted. The tenth article of amendments would not of course leave this power unquestioned, if it should appear that the general grants of power to the Federal Government involve a scope of influence inconsistent with it. At least, the Federal and State authorities are on a level in this particular. If the tenth article of amendments be interpreted as a license to the States to authorize banking, it will hardly be contended that the sovereignty of the nation could fall short of this. More especially as the Constitution has put the Federal Government in the loftiest and most influential position, in relation to the currency of the country, viz: that of entire control over it, by leaving the constitutional tender in its hands. From the fact that such is the effect of this power, it is lawful to argue, that such was its design. And if the design was such, it will follow, by the last clause of the eighth section of the first article of the Constitution, that if Congress shall judge a National Bank "necessary and proper to carry into execution" this power, as one of "the foregoing powers," enumerated in this section, that the act will be not only constitutional, but imperative.

Every one knows what is the effect of allowing the right of creating banks to the States, and denying it to the nation. First, it throws the currency into the utmost confusion, to the great embarrassment and injury of the commercial interests of the country. And next, it deprives the Federal Government of all power of control over the currency, divests it of that very element which the Constitution bestowed for this very end. In such a state of things the Federal Government is utterly powerless, in this practical and momentous concern, entrusted to it for the purpose of influence and control, and made incumbent upon it as a duty.

The Constitutional right of the States to erect banking institutions may be questioned on strong grounds; but the right of the Federal authorities on none at all. If the States insist upon the right, and continue to use it, as it is most likely they will, it becomes absolutely necessary, an imperative duty, for the Federal Government to maintain that ground of influence and control, in regard to the currency, which the Constitution has marked out.

#### A Suggestion.

The sagacity of the framers of the Constitution could hardly have overlooked the necessity of endowing the Federal Government with the power of control over the currency, in the circumstances with which they were surrounded, and in view of the history of the country. That they never designed or meditated the disuse of banks, is manifest from their silence. It is fair to infer, therefore, that certain specific and other more comprehensive powers of the eighth section of the first article, particularly the last clause, were expressly designed to meet and determine this question. Such, we think, would be the decision of common sense.

#### "Power to Coin Money."

Some have given this phrase a latitude of interpretation, so as to comprehend banking in itself, independent of obvious and necessary implication. We do not think it necessary to do this, or that it is strictly consonant with received rules of interpretation. It is enough to show, that it was designed to give control over the currency, and to make imperative the duty of regulating it. The first is evident, as we have before shown, by its connection with international currency;

and the second is manifest by a consideration of the necessities of the country. The power given "to make all laws necessary and proper to carry into execution the foregoing powers," &c. is sufficient. Doubtless, the power of controlling, and the duty of regulating the currency, involves the power and duty of providing it by such institutions as may be necessary, as the former agency cannot be separated from the latter.

#### The principle of uniformity.

It will be observed by an examination of the 8th section of Art. I, that the principle of uniformity in the monetary system and commercial operations of the country is made very prominent and emphatic. It is guarded as sacred, and secured beyond evasion; and then the last clause, "to make all laws necessary and proper to carry these provisions into execution," comes in to seal and sanction the whole.

"All duties, imposts, and excises shall be uniform throughout the United States." How can they be uniform, without a uniform currency? It is impossible, and the inequality is immense. It is, moreover, a direct violation of the Constitution, imposed and sanctioned by the action of the Federal authorities, as a heavy and oppressive burden, in such a state of things. When it is evident that a National Bank is necessary to secure this uniformity, a denial of the right to establish such an institution, brings the Constitution into a collision with itself.

The Constitution requires "a uniform rule of naturalization, and uniform laws on the subject of bankruptcy," and a uniform "standard of weights and measures." "The principle of uniformity for these and other objects throughout the United States," applies with equal, yes, even far greater force to a uniform currency; and such, undoubtedly, was the design of the Constitution.

"To coin money, regulate the value thereof, and of foreign coin, and to fix the standard of weights and measures." Here it is all in the same clause—uniformity of the monetary system and of the various measures employed in commerce. The currency, if not a measure, is certainly a representative of value, and more important to be regulated into uniformity, than vessels of capacity, yard sticks, scales, &c. And it cannot be denied, that such was the design of the Constitution. "All laws," therefore, "necessary and proper to carry into execution" this object, are clearly, and by the express language of the Constitution, within the power of Congress to enact. And who will deny, from our past experience, that a National Bank is necessary? Not a man in the land, if left free to express his honest convictions.

But the uniformity principle is especially important in application to a national currency. It would be no more disturbing and fatal to the interests of the country, to far and break up the uniform action of the Federal Government, than it is not to have a uniform currency; and the latter is as entirely a political and national structure, as the Government of the Union. [See Nos. I and II.] It is of necessity national, under the action and control of the constitutional tender, and every agency, whether originating in the States or elsewhere, which withdraws the currency from this control, destroying its uniformity, is at war with the Constitution.

That the action of the States on the subject of banking has contributed greatly to such a result, is manifest. Since, therefore, the States, whose title to authorize banking institutions, is at least questionable, have brought into action an unconstitutional influence, wresting the control and regulation of the currency from the Federal authorities, and throwing it into confusion, the only remedy now is for the Federal Government, whose title to such action is unquestionable, to erect a national institution to counteract and correct these evils.

#### Reason why the Constitutional right of the States to erect Banking institutions is questionable, so long as there is no National Bank.

It will not be denied, that the design of the Constitution was, that the Federal Government should have power to maintain the Constitutional tender. This, however, as experience has proved, it cannot do, without a National Bank, while the States go on banking. Having no check, no balance of power, from the independent action of a National institution, the States may, as they actually have done, since the destruction of the last National Bank, rush into the field left open to them, annihilate the Federal power, and incapacitate the Federal Government, to maintain the Constitutional tender. Such is the effect, whenever the banks suspend specie payments. It forces the whole country to stop payment, by forcing up on it an unconstitutional tender. The fundamental law, that "no State shall make any thing but gold and silver coin a tender in payment of debts" is prostrated by this action of State authorities, and the Federal Government, in this most important function, is rendered utterly powerless. Because the path to this end is indirect, it is therefore less responsible, or less unconstitutional? The States have originated and sanctioned measures, the second stage of which has led to the result of an unconstitutional tender, and thus violated the Constitution—prostrated one of the most sacred bulwarks of that instrument, to let forth a deluge of evil upon the land, the waves of which boldly lash the sides and shake the foundations of the great Federal edifice, while the keepers thereof have no power to resist.

The only remedy for this evil is a National Bank, under Federal control, the principles of which shall be such as to maintain the Constitutional tender, and thus put a check on this destructive, not to say, unconstitutional action of the States.

#### The prerogative of National Sovereignty in relation to this question.

Since, therefore, there is nothing in the Constitution to prohibit a National Bank, and so much to show, that the door is not only open, but that it is a duty incumbent on the Federal authorities to provide for the currency of the country, to control and regulate it, it is not enough to say, that a National Bank rests in the bosom of national sovereignty, to have or not to have it; but, that higher considerations of duty, in the present state of the country, prompt and urge the Federal Government to take the matter in hand, and do that which is necessary to re-establish credit, and restore the prosperity of the republic.

#### JUNIUS.

FOR THE MADISONIAN.

Mr. Editor: As matters connected with an interminable Indian war in Florida will doubtless come in for a due portion of that reform promised and expected under the new Administration, I beg leave to call your attention to the enclosed official communication of the Governor of that Territory to the Legislative Council then in session. This paper will give Gen. Harrison some idea of the manner in which the affairs of the war have been, and are still likely to be, managed in that quarter, unless a prompt and thorough change be made in that reckless and unscrupulous policy which have been entailed upon that devoted Territory since the days of President Jackson.

By reference to the accounts arising out of the Florida war, it will be perceived that a large portion of them derive their force and authority from the orders and approvals of the local Governor, acting separately and apart from the General Government, in the direction and prosecution of the campaign, and of this character are those referred to in the accompanying communication of the Governor. Besides these \$306,577.27 required to be reimbursed to Florida by the United States, there is a debt of \$100,000 more which stands on the same footing, except that the General Government has already assumed its payment by paying the interest to the banks, from which it was bor-

rowed on the pledge of Territorial bonds, which, added to many other sums yet to be settled by the Territory, and required, like those mentioned, to be reclaimed from the Government, will, together, form an item of indebtedness under the Harrison Administration perhaps not yet dreamed of, and those large sums seem to have originated under the orders and approvals of the present Governor's predecessor, at a time when the country was amply protected by General Jesup, who was at that time prosecuting gallantly the war to a speedy and successful termination. A large militia force was also at the time in the field by orders of the Secretary of War.

I allude to those facts, in part, because many a just and honest account for services, &c., in the Florida war, is prejudiced, or totally rejected perhaps, on account, or in consequence of, questionable or fraudulent claims, and it is an act of justice which the Government of the United States owes no less to itself than to the honest and bona fide claimants upon its Treasury, to appoint a Board of Commissioners to proceed to Florida, the theatre itself of the origin of those accounts and alleged claims, and there, where all the proof can be easily obtained, proceed to an impartial and rigid examination of all accounts and claims, past, present, and to come. The man, then, who has actually, and in good faith, performed military service, or furnished supplies for the army, will be able to make it appear, without suspense or uncertainty as to the result, and the deliberate and systematic frauds which may have been committed, or attempted in future, will be detected on the one hand, and strangled in their birth on the other.

#### JEFFERSON.

EXECUTIVE DEPARTMENT,  
TALLAHASSEE, 10th Feb., 1841.

#### To the Legislative Council of Florida:

In obedience to the resolutions of the Legislative Council, and upon the basis prescribed therein, I have ascertained the several amounts due to the regiment of Col. Robert Brown, and the battalion of Maj. Isaac Garrison, for services in the year 1838, as follows:

To Col. Robert Brown's regiment - \$121,222 50  
To Maj. Isaac Garrison's battalion - 85,354 77

\$206,577 27

The resolutions passed unanimously by the Legislative Council require me to settle those claims under the act of the 10th February, 1838, which authorizes the negotiation of a loan; and I consider it proper to inform you that I shall forthwith issue bonds in liquidation of the above stated debt, to be negotiated as the Legislature may prescribe at their next session.

I shall endeavor to make a special reclamation of the amount from the Government of the United States.

ROBERT RAYMOND REID.

REV. GEORGE COOKMAN, recently Chaplain to the U. S. Senate, has been appointed by the board of managers of the American Bible Society as their Delegate to the British and Foreign Institution. It holds its Anniversary at Exeter Hall, in London, next May. Mr. Cookman is an Englishman by birth, his father still holding high rank in the ecclesiastical body in Great Britain. He will sail on the 10th in the President for London. Although not an American by birth, yet he will well represent the piety, zeal and sterling intelligence of the pulpits of the Western World.

The managers of the late People's Tippecanoe Inauguration, Ball are requested to meet this afternoon at 7 o'clock at Carus's Saloon.

#### STEAM-BOAT PHENIX.

From and after this Day, this Boat will make her trips as follows, viz:  
Leave Washington at 8 1/2 and 10 1/2 A. M. and 3 and 5 P. M.  
Leave Alexandria at 7 1/2 and 9 1/2 A. M., and 2 and 4 P. M.  
She will make one trip daily to Georgetown (Sunday excepted). Leaving Alexandria at 11 1/4 and Georgetown at 12 1/2 o'clock, and will further leave on March 12th.

THE LEVETHIAN NEW WORLD—prize number. The largest newspaper ever published; a curiosity, intended to show that "some things can be done as well as others"—of which it has been said "that the most convenient mode of perusal is to nail it up to the side of an apartment, and after retreating to a convenient distance, to take sight at it with a pocket telescope;" size six feet by four, "containing an immense literary mass as several novels of the ordinary size, and sixteen superior engravings—price 15 cents. For sale in Washington, for the publishers, by F. TAYLOR.

PATCHWORK, by Captain Basil Hall, in two volumes, and the Twentieth Number of Humphrey's Clock, are this day received for sale by F. TAYLOR.

RANKES' ECCLESIASTICAL and Political History of the Popes of Rome, translated from the German, 2 vols. octavo, is just published and this day received, for sale by F. TAYLOR.

#### SPLENDID LOTTERIES.

D. S. GREGORY & CO. Managers.

CAPITAL 30,000 Dollars!

40 Prizes of \$1,500.

VIRGINIA WELLSBURG LOTTERY,

Class C, for 1841.

To be drawn at Alexandria, Virginia, on Saturday, 13th March, 1841.

GRAND CAPITAL.

\$30,000 \$10,000

5,000 Dollars 3,000 Dollars

3,500 Dollars 2,500 Dollars

3,000 Dollars 2,000 Dollars

40 of 1,500 Dollars, &c. &c.

Tickets only \$10—Halves \$5—Quarters \$2 50.

Certificates of packages of 25 Whole Tickets \$130 00

Do do 25 Half do 65 00

Do do 25 Quarter do 32 50

30,000 Dollars!

AND 200 Prizes of \$500.

VIRGINIA MONONGALIA LOTTERY,

Class C, for 1841.

To be drawn at Alexandria, Virginia, on Saturday, 27th March, 1841.

GRAND SCHEME.

30,000 Dollars. 10,000 Dollars.

5,000 Dollars 2,000 Dollars

3,000 Dollars 1,000 Dollars

3,387 Dollars 1,500 Dollars

1,700 Dollars 1,000 Dollars

3 of \$1,300—5 of \$1,250—200 of \$500, &c. &c.

Tickets \$10—Halves \$5—Quarters \$2 50.

Certificates of packages of 25 Whole Tickets \$130 00

Do do 25 Half do 65 00

Do do 25 Quarter do 32 50

\$40,000 \$15,000

VIRGINIA LEEBURG LOTTERY.

Class D, for 1841.

To be drawn at Alexandria, Va. on Saturday, 27th March, 1841.

GRAND CAPITALS.

40,000 Dollars 15,000 Dollars

10,000 Dollars 3,000 Dollars

6,000 Dollars 2,330 Dollars

5,000 Dollars

30 prizes of 1,000 Dollars

60 of \$500—60 of \$300

120 of \$200, &c. &c.

Tickets \$10—Halves \$5—Quarters \$2 50.

Certificates of packages of 25 Whole Tickets \$140 00

Do do 26 Half do 70 00

Do do 26 Quarter do 35 00

For Tickets and Shares or Certificates of Packages in the above Splendid Lotteries—address D. S. GREGORY & CO. Managers, Washington, D. C.

Drawings sent immediately after they are over to all who order as above. Feb 20-42a2w2w

## THE MADISONIAN.

WASHINGTON CITY.

SATURDAY, MARCH 13, 1841.

IN THOSE THINGS WHICH ARE ESSENTIAL LET THERE BE UNITY—IN NON-ESSENTIALS, LIBERTY; AND IN ALL THINGS CHARITY.—Augustin.

#### APPOINTMENTS BY THE PRESIDENT.

By and with the advice and consent of the Senate.

NATHANIEL P. CACHIN, Jun., Secretary to the President to sign patents.

HENRY SOUTHAMPTON, Assistant Collector of the Customs for District of New York, to reside at Jersey City.

JAMES DONAGHE, Collector at New Haven, Connecticut.

WILLIAM P. GREENE, Surveyor and Inspector at Providence, Rhode Island.

ROBERT BUTLER, Surveyor and Inspector at Smithfield, Virginia.

JAMES M. HARTFORD, Register Land Office at Jackson, Mississippi.

JESSE K. DUBOIS, Register Land Office at Palestine, Illinois.

BERNARD PEYTON, Deputy Post Master at Richmond, Virginia.

WILLIAM BARRON, Marshal for District of Vermont.

SPLOMON LINCOLN, Marshal for District of Massachusetts.

EDNEZER BACON, Collector of Customs, Barnstable, Massachusetts.

MILES SELDEN WATKINS, Deputy Post Master at Huntsville, Alabama.

The appointments which have been sent to the Senate for confirmation have been chiefly to fill vacancies. It may be of some use to state our belief that removals and appointments generally which seem to be expected, will not take place without deliberation, for which time and opportunity are necessary.

The connection of Mr. MacLeod with the Editorial Department of this paper having terminated, by limitation, on the 4th of March, we cheerfully give place to the following note, adding the expression of our sincere wish that he may long enjoy health and prosperity.

The undersigned has retired from the post of Associate Editor of the Madisonian, which he has held during the last twelve months. In making this public announcement, he cannot allow the occasion to pass, without congratulating the readers of this journal on the glorious triumph of the great cause to which the labors of its conductors have been devoted, and wishing to them, individually, health and happiness.

DONALD MACLEOD.

The Senate, yesterday, by a vote of 26 to 18, dismissed Blair & Rives from the office of printers to that body. The election of printer to the Senate for the 27th Congress will not be made until the next meeting of the two Houses. The debate upon the dismissal of Blair & Rives has been very long and animated. Our Reporter has given the substance of the debate for the several days preceding the final vote at considerable length. The most ordinary reader cannot fail to perceive that the right, and the reason of the proceeding adopted are clearly on the side of the majority.

We are sure that every right minded person in the country will be glad to see the mendacity, the malignity, and the vulgar personality, which have characterized the conduct of the Globe for years past, now finally rebuked in an effective manner. One of the principal means by which that journal has subsisted, and which has given it more power and influence than is justly its due, is justly taken from it by a vote of the Senate, given in accordance with the manifest wishes of the majority of the People of the U. S. States.

Hon. Sam'l L. Southard, of New Jersey, was yesterday elected President pro tempore of the Senate, and on taking his seat, addressed the body in a very clear, dignified and impressive manner.

#### THE AMISTAD CASE.

The decision of the Supreme Court was rendered in this case on Tuesday last. The decree of the circuit court is affirmed in all respects, except that part which orders the negroes to be transported, and reversing that part, and remanding the case to the circuit court, with directions to dismiss the negroes from custody, and to discharge them from the suit, so that they go free and at large.

The Supreme Court terminated its session on Wednesday, and adjourned.

"Politics" says Bulwer "is the art of governing for others. Policy is the art of managing for one's self." It is difficult to say which of these two arts predominates in this city at the present moment.

#### Supreme Court of the U. States.

THURSDAY, MARCH 14, 1841.

No. 1. The State of Rhode Island, complainant, vs. the State of Massachusetts. The argument of this case was continued by Mr. Randolph for the complainant.

Adjourned till to-morrow, 11 o'clock A. M.

FRIDAY, MARCH 5.

Jacob W. Miller, Esq., of New Jersey, was admitted an attorney and counsellor of this Court.

No. 34. Jesse Hoyt vs. David Hadden et al. in error to the Circuit Court of the United States for the southern district of New York. By consent of parties it is ordered and adjudged that the writ of error in this case be dismissed with costs.

No. 1. The State of Rhode Island, complainant, vs. the State of Massachusetts. The argument of this case was continued by Messrs. Randolph and Whipple for the complainant.

Adjourned till to-morrow, 11 o'clock A. M.

SATURDAY, MARCH 6.

John L. Taylor and Alexander McConnell, Esqs., of Ohio, Wm. Penn Briggs and Henry Leavenworth, Esqs., of Vermont, and Hiram Barney, Esq., of the State of New York, were admitted attorneys and counsellors of this Court.

Adjourned till Monday, 11 o'clock A. M.

MONDAY, MARCH 8.

James F. Conover, Esq., of Ohio, was admitted an attorney and counsellor of this Court.

No. 1. The State of Rhode Island, complainant, vs. the State of Massachusetts. The argument of this case was concluded by Mr. Webster for the respondent.

Adjourned till to-morrow, 11 o'clock A. M.

TUESDAY, MARCH 9.

No. 42. The United States vs. the schooner Amistad, &c., appeal from the Circuit Court of the United States for the district of Connecticut. Mr. Justice Story delivered the opinion of this Court, affirming the decree of the said Circuit Court in this case in all respects, except that part ordering the negroes to be delivered to the President to be transported, and reversing that part, and remanding the case to the said Circuit Court, with directions to dismiss the said negroes from the custody of the Court, and that they be discharged from the suit, and go thereof quit without delay.

Adjourned till to-morrow, 12 o'clock M.

## OFFICIAL.

DEPARTMENT OF STATE.

WASHINGTON, MARCH 8, 1841.

Information has been received at this Department from the United States Consul at Lagunayra, that, by decree of the President of Venezuela, dated 9th of January, 1841, permission is granted for the free admission, or without payment of duties, of the following articles into the port of Lagunayra, viz. Indian corn, beans, rice, and other edible vegetables—the permission to continue for eight months from date of said decree.

#### PRESENTATION OF FOREIGN MINISTERS.

The members of the Diplomatic Body, now in Washington, and accredited to the Government of the United States, were received by the President on Tuesday,